

Appln. No. 09/588,801  
Amdt. dated: November 10, 2003  
Reply to Office Action of August 14, 2003

PATENT

**REMARKS/ARGUMENTS**

Claims 1, 2, 4-10 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,381,639 to Thebaut et al. issued April 30, 2002.

It is respectfully submitted that Thebaut is not applicable to the present invention as properly understood. The Thebaut invention describes what may be termed a classic firewall, where access to resources (in that case computer network elements called domains) is controlled by "rules" associated with the target (such as those rules used to control access to configuration records for network devices). The present invention as defined by claims 1 and 5 also relates to access to resources, specifically to access of elements within a computer system to other elements within the same computer system wherein there is inherent trust and control. However, in the present invention, the access and the target of access are based on the nature of the requests received at a separate entity called a master daemon. Consequently, it is the master daemon that selects targets. The targets do not control access by the present mechanism.

It is believed that the fundamental misunderstanding of the differences between the two inventions stems from the differing uses of the term "domain" in the respective disclosures. In the present invention, detailed definitions of the mathematical concepts associated with the present use of the term "domain" have been recited (page 4, lines 13 through page 2 line 5), with further special types of "domains" defined, such as "null domain" (page 5, lines 28-30), "orders of domains" (page 5, lines 31 through page 6, line 13), "subdomain" (page 6 lines 31-34), "superdomain" (page 7, lines 4-7), and "universal domain" (page 7, lines 8-13). [The term "range" or an arbitrary invented word such as "dnanidref" could be substituted for the term "domain" anywhere it appears in the present specification without loss of semantic import or departing from the spirit and scope of the invention.]

By contrast, it appears Thebaut employs the term "domain" not in the mathematical sense but in the common structural sense typically associated with the environment of a network including the Internet, specifically as a group of actions or attributes associated with one or more physical network objects, which are specific devices, such as hubs, bridges, routers and work stations (for example as recited in the Abstract and at column 6, lines 10-11 of

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Thebaut). So far as can be understood, the term "domain" as used in Thebaut is intended to be limited to the (topological and structural) objects to which "rules" are applied.

By contrast, the term "domain" as used and defined by the Applicant herein refers to the mechanism selected to control valid actions. The respective uses of the term "domain" are thus nearly opposite. In fact, the Thebaut "rules" are more similar to (but structurally quite different from) the present use of the term "domain."

A further example of the misinterpretation of a defined term is the Examiner's correlation of the term "policy driver" of Thebaut (column 1, lines 1-10; 57-67) to the "master daemon" of the present invention. The "policy driver" acts on a set of Thebaut-type "rules" and Thebaut-type "domains" to monitor and enforce "configuration policies" (column 6, lines 9-10). By contrast, the master daemon herein employs attributes of "requests" [not Thebaut-type rules!] to control access to actions. This is spelled out by the steps in the methods of the present invention.

This distinction leads to a very important difference between the operation of Thebaut and of the present invention. In Column 4, lines 30-31, it is noted that conflicts occur when two rules issue two inconsistent actions. Thus a conflict resolution strategy is provided by Thebaut. By contrast, this condition simply cannot occur in the present invention because of the strict dominance principle associated with the function of the master daemon on the "domains" (as the term is used in the present invention). There are no such things as inconsistent actions.

Hence, claims 2 and 5 define patentable subject matter without need for amendment.

As to claims 2 and 10 and 4 and 12, the issues raised have been addressed by the preceding arguments. In addition, it is to be noted that the prior art teaches the use of security labels as part of the Thebaut-type domains, which are devices. By contrast, the security label of the present invention (claims 4 and 12) are part of the "domains" of the present invention, which are unrelated to the "domains" of Thebaut.

As to claims 6 and 9, the foregoing arguments also apply. It is to be noted that the term "local" is used very differently. Thebaut uses "local" to refer to a type of computer

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network. Herein the term "local" is used to refer to a construct internal to a central processor and associated with direct memory access, where there is inherent trust and control.

While it is believed that claims 3 and 11 are patentable for the same reasons as claims 1 and 5, the applicant has also reviewed the combination of Thebaut with Lee (U.S. Pat. No. 5,692,180 cited under 35 U.S.C. 103 against claims 3 and 11 and revisited the description and limitations of those claims. Lee has been cited for its purported teaching of use of a master daemon that maintains centralized and coordinated access to subsystems of computer systems. While Lee teaches centralized access to subject matters, it fails to teach or suggest the teaching of access to the same subject matter without limitation of conditions, and most specifically (as now recited) to unconditional access to auditing subsystems of the operating system. There are no conditions placed on access in the present invention. This is now explicitly spelled out by a claim amendment. Thus, the standard of obviousness applied to the combination of the Thebaut reference and the Lee reference do not address the invention as now claimed.

Since it is well established that the inventor/applicant can be his own lexicographer, and since it has been shown that the prior art in no way anticipates or suggests the present invention, it is respectfully submitted that claims 1 and 5 and all claims dependent thereon define patentable subject matter clearly supported by the state of the art.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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